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10/757,255	01/14/2004	Dean Joseph Ippolito		4079
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EXAMINER KAYES, SEAN PHILLIP				
ART UNIT 2833		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/757,255

**Applicant(s)**

IPPOLITO ET AL.

**Examiner**

SEAN KAYES

**Art Unit**

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7,8,10-14 and 16-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-5,7,8,10-14 and 16-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3-5, 7-8, 10-13, and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
4. Claim 3 recites "in which the second font is different from the first font." This subject matter is not discussed or described in the disclosure of the invention.
5. Claim 19 recites "the two times remaining of a given display are in different fonts." This subject matter is not described in the disclosure of the invention.
6. Claims 4-5, 7-8, and 10-13 depend from claim 3.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Electro-Mech.
9. With respect to claim 1 Electro-Mech teaches a device for displaying information about a game with a playing surface, the device comprising:
- a body that is physically unconnected to the playing surface (figure 1)
  - a first display operable to display first information about a player of the game ("Home", "Player", or "Fouls" figure 1) second information about the player of the game, and
  - a second display ("Home", "Player", or "Fouls" figure 1) operable to display second information about the player of the game, the second display facing in a different direction from that of the first display (figure 1 shows a display facing in four directions),
  - in which both the first display and the second display are rigidly attached to the body.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Electro-Mech and Scharstein (US 5590093.)
12. With respect to claim 3 Garlock teaches a device for keeping time comprising:
- a single rigid chassis (2 figure 1)
  - a first memory (page 4 column 1 paragraph 43 discusses wherein the timing values are stored in a memory. Additionally, see claim 12.) for storing a first amount of time remaining for a first player of a game (left display, 4 figure 1), the first memory attached to the chassis
  - a first display (left display, 4 figure 1) for displaying the first amount of time, the first display rigidly attached to the chassis and coupled to the first memory
  - a second memory (page 4 column 1 paragraph 43 discusses wherein the timing values are stored in a memory. Additionally, see claim 12.) storing a second amount of time remaining for a second player of the game, the second memory attached to the chassis
  - a third display (right display figure 1) for displaying the second amount of time, the third display rigidly attached to the chassis and coupled to the second memory; and

Garlock does not teach

- a second display for displaying the first amount of time, the second display rigidly attached to the chassis and coupled to the first memory,

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- a fourth display for displaying the second amount of time, the fourth display rigidly attached to the chassis and coupled to the second memory and
- wherein the second display faces in a different direction from that of the first display, and
- in which first display and the second display are have a first and a second font and wherein the second font is different from the first font.

Electro-Mech teaches attaching multiple game information boards together for the purpose of increasing the visibility of the information displayed on said surfaces in multiple directions.

At the time of the invention it would have been obvious to one skilled in the art to provide Garlock's invention with multiple displays facing in multiple directions as taught by Electro-Mech. The suggestion or motivation for doing so would be to indicate displayed information in more than one direction thus increasing the viewability of the display.

It is well within the scope of one of ordinary skill in the art to vary fonts by size and style to achieve a different design according to aesthetic priorities/desires. For instance Scharstein states there changing the font of the digital display is a "simple variation" (column 5 lines 3-19.)

At the time of the invention it would have been obvious to one skilled in the art to vary the fonts of the first and second displays. The reason to do so would be to achieve a desired aesthetic appearance.

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13. With regard to claim 4 Garlock, Scharstein, and Electro-Mech teach the device of claim 3.

Garlock does not teach the second display faces in a direction opposite that of the first display.

Electro-Mech teaches a four directional display for displaying information in different directions.

At the time of the invention it would have been obvious to one skilled in the art to configure Garlock's display to information in multiple directions as taught by Electro-Mech. The reason for doing so would have been to allow the device information to be visible in more than one direction as taught by Electro-Mech.

14. With respect to claim 5 Garlock, Scharstein, and Electro-Mech teach the device of claim 3, in which the first display and the third display are the same display (there are two displays configured as one combined display, figure 1), and in which this same display displays the first amount of time at a first location (first player's time, left side figure 1) on the display and the second amount of time at a second location on the display (second player's time, right side figure 1).

15. With respect to claim 7 Garlock, Scharstein, and Electro-Mech teach the device of claim 3, in which the first memory and the second memory are the same memory, and in which this same memory stores the first amount of time in a first location in the memory and the second amount of time in a second location in the memory (the

abstract states wherein the clock store multiple players' times; figure 1; paragraph 43 discusses a single "memory" for storing the variables.)

16. With respect to claim 8 Garlock, Scharstein, and Electro-Mech teach the device of claim 3, in which the first memory is a semiconductor memory (paragraph 43.)

17. With respect to claim 10 Garlock, Scharstein, and Electro-Mech teach the device of claim 3, in which the first display is at least one of a liquid crystal display (paragraph 29); a dot matrix display; a diode display; a light emitting diode display; An oranic light emitting diode display; a cathode ray tube; and a projection display.

18. With respect to claim 11 Garlock, Scharstein, (US 20020093882) and Electro-Mech teach the device of claim 3 further including:

- a signal generator (page 2 paragraph 14) for generating a timing signal, the signal generator coupled to the first memory and to the second memory;
- a first button (left button, 8 figure 1) for signaling a first play in the game, the first button attached to the chassis and coupled to the first memory and to the second memory; and
- a second button (right button 8 figure 1) for signaling a second play in the game, the second button attached to the chassis and coupled to the first memory and to the second memory, in which:



- the first memory is operative to reduce the first amount of time remaining upon receipt of signals from the second button (paragraph 39 page 3);
- the first memory is operative to stop reducing the first amount of time remaining upon receipt of signals from the first button (paragraph 39 page 3);
- the second memory is operative to reduce the second amount of time remaining upon the receipt of signals from the first button (paragraph 39 page 3); and
- the second memory is operative to stop reducing the second amount of time remaining upon receipt of signals from the second button (paragraph 39 page 3);
- the motion of the first button with respect to the chassis is constrained to one dimension (figure 1); and
- the motion of the second button with respect to the chassis is constrained to one dimension (figure 1.)

19. With respect to claim 12 Garlock, Scharstein, and Electro-Mech teach the device of claim 3, further including a processor (18 figure 2), the processor attached to the chassis (2 figure 1) and operative to: direct the first memory (see claim 12 lines 9-10) to reduce the first amount of time remaining; direct the second memory (see claim 12 lines 9-10 and second display shown in figure 1) to reduce the second amount of time remaining; direct the first memory to stop reducing the first amount of time remaining; direct the second memory to stop reducing the second amount of time remaining; direct the first display to display the first amount of time; and direct the second display to display the first amount of time (paragraphs 33, 39, 43-44, and 46-47.)

20. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock in view of Electro-Mech in further view of Honekman (US 4567461.)

21. With respect to claim 13 Garlock and Electro-Mech teach the device of claim 3. Garlock does not teach a microphone for receiving voice inputs.

Honekman teaches a voice recognition function and microphone for the purposes of operating a gaming device by voice commands.

At the time of the invention it would have been obvious to one skilled in the art to provide Garlock's device with a microphone and corresponding voice recognition software so as to allow voice communication control of the device as taught by Honekman.

The suggestion or motivation for doing so would be to allow a user to operate the device by voice communication as taught by Honekman.

22. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Booth (US 5615880) and Prociuk (US 3878675.)

23. With respect to claim 14 Garlock teaches a device comprising:

- a means for tracking a first time (left side, 4 figure 1, 16-20 figure 2, and paragraph 30)
- a means for tracking a second time (right side, "120:00" figure 1, 16-20 figure 2 and paragraph 30)

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- a first display means for displaying the first time in a first direction (left side, 4 figure 1)
- a second display means (right side, "120:00" figure 1) for displaying the first time; and
- an initiation means (8 figure 1) for initiating the reduction of the first time while halting the reduction of the second time,

Garlock does not teach wherein

- the second time information is displayed in a second direction (that is different from the first) and
- in which the display means is a light emitting diode.

Garlock states that the display means can be any be any of the well-known time display means (paragraph 29.)

LEDs are a well known display means for displaying time. Booth teaches such an LED time display 52, figure 1.

At the time of the invention it would have been obvious to one skilled in the art to provide Garlock's invention with an LED display. The reason for doing so would be to provide Garlock's invention with an equivalent display means as taught by Garlock.

Prociuk teaches the desirability (column 1 lines 20-31) of indicating information in more than one direction (14 figure 1 and figure 2.) Prociuk teaches using such a two directional display for the purposes of chess (figure 1.)

At the time of the invention it would have been obvious to one skilled in the art to indicate the information in Garlocks invention in more than one direction. The reason for doing so would be to remedy the problems discussed by Prociuk (column 1 lines 20-31.)

24. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Adams (US 5125666) and Chodak (US 4363489.)

25. With respect to claim 16 Garlock teaches a device comprising:

- a body (2 figure 1)
- a memory (see claim 12), including two memory locations, in which each of the two memory locations stores a time remaining for a different one of two players; and
- exactly two clock buttons (8 figure 1), each of which when pressed halts the reduction of a first one of the times remaining stored in a first one of the two memory locations and initiates the reduction of a second one of the times remaining stored in a second one of the two memory locations; and
- a single display in which the display is operable to simultaneously display two of the times remaining,
- in which the memory, each of the two clock buttons are each of the displays are attached to the body.

Garlock does not teach the system designed for four players, including four memory locations, four buttons, and four displays, each of which displays at least two of the times remaining. Garlock's timing device is designed for exactly two players instead of

four. Chodak teaches a four-way directional game terminal, comprising four displays (figure 1.)

Four player games are well known in the art. Evidence of four player games is provided by Adams. Adams teaches a four-player version of chess. Adams additionally teaches the necessity for timing a four-person game of chess (column 5 lines 4-22.)

At the time of the invention it would have been obvious to one skilled in the art to modify Garlock's invention to time four players instead of two by increasing the number of buttons, memory locations, and displays (as taught by Chodak) to four instead of two. The suggestion or motivation for doing so would be to allow the device to be used to time Adams's four-player version of chess.

26. With respect to claim 17 Garlock, Adams, and Chodak teach the device of claim 16.

Garlock does not teach in which a first of the four displays is attached to a first face of the body and a second of the four displays is attached to a second face of the body, in which the first face is different from the second face.

The use of multi-directional displays for multiple players is well-known. Evidence of this is provided by Chodak. Chodak teaches a four-way directional game terminal, comprising four displays (figure 1.)

At the time of the invention it would have been obvious to one skilled in the art to construct Garlock's invention in the form of a multi-directional display as taught by Chodak. The reason for doing so would be to allow the device to be used to time

Adam's four-player version of chess, such that each player sitting at the playing surface can readily view the display as taught by Chodak.

27. With respect to claim 18 Garlock, Adams, and Chodak teach the device according to claim 17, in which all the relevant timing information (4 figure 1) is displayed on a common display face.

Garlock does not teach providing more than one display face in which the first of four displays, displays two of the times remaining and in which the second of the four displays simultaneously to the first displays the same two times remaining.

At the time of the invention it would have been obvious to one skilled in the art to provide each display face of Garlock's invention (as previously modified) with all the relevant timing information (which would comprise at least two times remaining) as taught by Garlock. The reason for doing so would be to provide each player with the relevant information for playing the game (taught by Adams.)

28. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of Adams (US 5125666) and Chodak (US 4363489) in further view of Scharstein (US 5590093.)

29. With respect to claim 19 Garlock, Adams, and Chodak teach the device of claim 16.

Garlock does not teach in which the two times remaining of a given display are displayed in different fonts.

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It is well within the scope of one of ordinary skill in the art to vary fonts by size and style to achieve a different design according to aesthetic priorities/desires. For instance Scharstein states there changing the font of the digital display is a "simple variation" (column 5 lines 3-19.)

At the time of the invention it would have been obvious to one skilled in the art to vary the fonts of the first and second displays. The reason to do so would be to achieve a desired aesthetic appearance.

30. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garlock (US 20020093882) in view of applicant's admitted prior art and Yoo.

31. With respect to claim 16 Garlock teaches a device comprising:

- a body (2 figure 1)
- a memory (see claim 12), including two memory locations, in which each of the two memory locations stores a time remaining for a different one of two players; and
- exactly two clock buttons (8 figure 1), each of which when pressed halts the reduction of a first one of the times remaining stored in a first one of the two memory locations and initiates the reduction of a second one of the times remaining stored in a second one of the two memory locations, in which the memory and each of the two clock buttons are attached to the body.

Garlock does not teach the system designed for four players, including four memory locations, exactly four buttons, and four displays in which each display is operable to

simultaneously display two of the times remaining. Garlock's timing device is designed for exactly two players instead of four. Two of Garlock's devices attached in a single housing would meet the claim limitations that are deficient in a single one of Garlock's disclosed device.

In applicant's discussion of the background art, applicant states that multiple clocks are used per table to track multiple games of chess (paragraph 7 page 1. Particularly, the last 5 lines of page 1 and the first two lines of page 2.)

At the time of the invention it would have been obvious to one skilled in the art to use more than one of Garlock's devices for the purpose of tracking multiple games of chess, as per applicant's discussion of general tournament play. The suggestion or motivation for doing so would be to time more than one game at a time as per applicant's admitted prior art.

It is notoriously well known to house multiple devices in a single housing. Evidence of this is provided by Yoo. Yoo teaches two clocks for displaying separate times.

Additionally, the courts have ruled that forming in one piece an article which has formerly been formed in two pieces would require only ordinary skill in the art.

*Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

At the time of the invention it would have been obvious to one skilled in the art to combine two of Garlock's devices in a common housing. To do so would require only ordinary skill in the art, as supported by the teaching of Yoo and the ruling of *Howard v. Detroit Stove Works*. The suggestion or motivation for doing so would be to indicate and track more than one time in a common device, as taught by Yoo.



32. With respect to claim 20 Garlock, Yoo, and applicant's admitted prior art teach the device of claim 16, with the four clock buttons referred to as A, B, C, and D and with the four memory locations referred to as w, x, y, z, in which: clock button A, when pressed, halts the reduction of the time remaining stored in memory location w, and initiates the reduction of the time remaining stored in memory location x, clock button B, when pressed, halts the reduction of the time remaining stored in memory location x, and initiates the reduction of the time remaining stored in memory location w; clock button C, when pressed halts the reduction of the time remaining stored in memory location y, and initiates the reduction of the time remaining stored in memory location z; clock button D, when pressed halts the reduction of the time remaining stored in memory location z, and initiates the reduction of the time remaining stored in memory location y; neither clock button A nor clock button B has any effect on times remaining in memory locations y and z; and neither clock button C nor clock button D have any effect on time remaining in memory locations w and x. (Figure 1 shows the control buttons, 8, and the two time displays for indicating each player time. Paragraph 39 discusses wherein pressing one of the buttons, 8 figure 1, will start decreasing the time stored in a given players memory. Paragraph 43 states wherein the time variables are assigned to memory locations. As modified in the previous action the two clocks would function essentially separately not modifying the other clock's memory.)

***Response to Arguments***

33. Applicant's arguments with respect to claims 3-5, 7-8, and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

34. Applicant's arguments filed 4/10/2008 have been fully considered but they are not persuasive.

35. Applicant states that the combination of Garlock, Adams, and Chodak fails to teach a display that is operable to simultaneously display two of the time remaining. This argument is not persuasive. Garlock teaches a device with a display which displays two times remaining (figure 1.)

36. Applicant argues that the combination of Garlock, Adams and Chodak fails to teach a timer which would work as it would require being placed in the center of the playing surface. This argument is not persuasive. The timer could be easily placed above or below the playing surface.

Applicant argues that two of Garlock's devices would not meet the limitations of claim 20 because there would be no interaction between the devices. This argument is not persuasive. No interaction is required. Claim 20 specifically precludes such interaction. Claim 20 recites "neither clock button A nor clock button B has any effect on times remaining in the memory locations y and z; and neither clock button C nor clock button D has any effect on times remaining in memory locations w and x.

***Conclusion***

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571) 272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Felix O. Figueroa/  
Primary Examiner, Art Unit 2833

SK  
6/16/2008